APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/100,223	06/19/1998	DOUGLAS WALTER CONMY	52817.000051	8325

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EXAMINER
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ART UNIT	PAPER NUMBER
3623	32

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	**Application No.** 09/100,223		**Applicant(s)** CONMY, DOUGLAS WALTER	
	Examiner Susanna M. Diaz		**Art Unit** 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 January 2003</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)	
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other:	

DETAILED ACTION

Response to Amendment

1.   The declaration filed on January 14, 2003 under 37 CFR 1.131 is sufficient to

overcome the Microsoft Outlook 97 references.

Claims 1-39 are pending.

A Non-Final Office action with a new art rejection follows.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 4-6, 9-12, 15, 16, and 19-39 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Hotaling et al. (U.S. Patent No. 5,124,912).

Hotaling discloses a system for scheduling time intervals for a plurality of invitees

in a networked environment comprising:

[Claim 1]   database means for storing one or more invitee profiles for one or more

potential invitees of the system, the one or more invitee profiles comprising user profiles

wherein each user profile comprises information regarding available and unavailable

times for that user, the database means being located at one or more server locations

(Figs. 1-2, 10-12; col. 3, lines 10-27);

request generating means, located remotely from the server locations, for

generating a request for allocation of a time interval for the one or more potential

invitees (col. 7, line 61 through col. 8, line 13);

busy time determination means for gathering the invitee profiles for the one or

more potential invitees and determining whether each of the one or more potential

invitees is available during the time interval requested by the request generating means

(Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13).

Furthermore, as per claim 1, Hotaling teaches a graphical user interface means

associated with the request generating means for displaying results from the busy time

determination means, the graphical user interface means permitting a user to view a list

of the one or more potential invitees that are available, the one or more potential

invitees that are not available, and the one or more potential invitees whose schedule

could not be found (Fig. 11; col. 9, lines 50-53; col. 10, lines 1-10). Hotaling does not

explicitly disclose that a user may select from at least three results viewing options

including a viewing option displaying the one or more potential invitees that are

available, a viewing option displaying the one or more potential invitees that are not

available and a viewing option displaying the one or more potential invitees whose

schedule could not be found, and then display the results according to the viewing

option selected. However, Official Notice is taken that the display of filtered data based

on a selected viewing option is old and well-known in the art of graphical user

interfaces. Such a capability is commonly utilized to aid a user in focusing on specific

subsets of data at a time, thereby making analysis of the data easier than if an

excessively large amount of varying data were presented all at once. Therefore, the

Examiner asserts that it would have been obvious to one of ordinary skill in the art at the

time of Applicant's invention to provide a user of Hotaling's scheduling system with the

ability to select from at least three results viewing options including a viewing option

displaying the one or more potential invitees that are available, a viewing option

displaying the one or more potential invitees that are not available and a viewing option

displaying the one or more potential invitees whose schedule could not be found, and

then display the results according to the viewing option selected in order to facilitate the

user's decision regarding an adequate meeting date and time by providing viewing

options which present various subsets of availability data in a more organized and more

easily interpretable fashion.

[Claim 11]   There is no explicit disclosure stating that Hotaling's scheduling system

takes into account the user's specific work hours and non-work hours when determining

the user's available and unavailable times. However, since users and potential invitees

are likely not working during non-work hours, it is important to a meeting coordinator to

know what the non-work hours of these potential invitees are in order to avoid

scheduling a meeting during non-work hours (just as the meeting coordinator tries to

schedule meetings around any other times of unavailability). Therefore, the Examiner

asserts that it would have been obvious to one of ordinary skill in the art at the time of

Applicant's invention to take a user's work hours and non-work hours into account when

determining the user's available and unavailable times, as part of Hotaling's scheduling

system, in order to facilitate the planning of a meeting at a date and time that is

amenable to all interested parties.

[Claims 12, 21]   Hotaling teaches that the disclosed calendaring system assigns

values to one or more characteristics, wherein the calendaring system takes into

account the values assigned when determining the user's availability (col. 5, lines 19-

34: The attendance of various invitees is identified as critical or non-critical. The

schedules of critical invitees directly affect the "scheduling process to optimize a

meeting date and time"; therefore, the characteristics of the critical invitees carry a

higher value than those associated with a non-critical invitee). Furthermore, Hotaling

comprises best fit determining means for determining whether any of the one or more

potential invitees are unavailable during the time interval requested by the request

generating means and for determining a next best time interval using a weighting

function if it is determined that any of the one or more potential invitees are unavailable

during the requested time interval (col. 5, lines 19-34: The attendance of various

invitees is identified as critical or non-critical. The schedules of critical invitees directly

affect the "scheduling process to optimize a meeting date and time"; therefore, the

characteristics of the critical invitees carry a higher value than those associated with a

non-critical invitee. In other words, a higher weighting value is inherently associated

with the critical invitees than with the non-critical ones).

[Claims 4, 15, 16, 22]   Claims 4, 15, 16, and 22 recite limitations already addressed

by the rejection of claims 1, 11, 12, and 21 above; therefore, the same rejection applies.

[Claims 5, 19, 20, 23]   Claims 5, 19, 20, and 23 recite limitations already addressed

by the rejection of claims 1, 11, 12, and 21 above; therefore, the same rejection applies.

[Claims 6, 9, 10, 24]   Claims 6, 9, 10, and 24 recite limitations already addressed

by the rejection of claims 1, 11, 12, and 21 above; therefore, the same rejection applies.

[Claims 25-32]   Claims 25-32 recite limitations already addressed by the rejection

of claims 1, 11, 12, and 21 above; therefore, the same rejection applies. Furthermore

(as per claims 26-28), while Hotaling displays a list indicating which invitees are free,

which are busy, and which for whom no schedule is available during a proposed

meeting time (Fig. 11; col. 9, lines 50-53; col. 10, lines 1-10), Hotaling does not

expressly teach the display of an accompanying number to quantify the number of

invitees that fall into each respective category. However, Official Notice is taken that

quantifying the number of people in different categories is old and well-known. This

facilitates analysis of characteristics of the different groups of people identified. In this

case, such an analysis helps a meeting coordinator decide when most people could

attend a meeting at a particular date and time. Therefore, it would have been obvious

to one of ordinary skill in the art at the time of Applicant's invention to display the

number of invitees that are either not busy, busy, and which for whom no schedule is

available during a proposed meeting time in order to help a meeting coordinator more

effectively assess a good meeting date and time for the list of invitees. Also, a head

count of which invitees will attend the meeting is useful in letting the meeting

coordinator determine which and how many resources will ultimately be needed for the

meeting (e.g., conference room size, number of chairs needed, etc.).

[Claims 33-39]   Claims 33-39 recite limitations already addressed by the rejection

of claims 1, 11, 12, 21, and 25-32 above; therefore, the same rejection applies.

4.   Claims 2, 3, 7, 8, 13, 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Hotaling et al. (U.S. Patent No. 5,124,912), as applied to

claims 1 (for claims 2 and 3), 4 (for claims 13 and 14), 5 (for claims 17 and 18), and 6

(for claims 7 and 8) above, in view of Tognazzini (U.S. Patent No. 5,790,974).

[Claims 2, 3]   Hotaling does not explicitly take invitee and event location into

account in order to determine invitee availability for a particular event; however,

Tognazzini makes up for this deficiency. Tognazzini teaches an automated scheduling

system which takes into account event location and invitee location in order to

determine if the invitee can feasibly attend the event in question (e.g., based on travel

time). There may be a periodic real-time check to see where the invitee is presently

located and then if the invitee can arrive at his/her next planned event in time, based on

a real-time determination of travel time to the next scheduled event. An alert is provided

if the invitee is running late or stuck in traffic and cannot make his/her next scheduled

event in time. Also, travel time is taken into account when determining an invitee's

ability to attend a future event (column 7, lines 11-66). This consideration of travel time

between locations and events helps alleviate any conflicts in scheduling that would

otherwise arise due to failure to take into account the reality that travel time is needed to

get from one location to another. Therefore, the Examiner asserts that it would have

been obvious to one of ordinary skill in the art at the time of Applicant's invention to

implement Tognazzini's consideration of event location and invitee location, including

travel time, when determining invitee availability (as per claims 2 and 3) with Hotaling's

scheduling system in order to provide for more accurate and realistic assessment of the

availability of all invitees when planning an event. For example, if one of the invitees if

listed as available for a meeting at 2 p.m. E.S.T. on a particular day in Washington,

D.C., but the invitee is out in San Francisco for a meeting which runs from 12 to 1 p.m.

E.S.T. (9 to 10 a.m. P.S.T.), obviously the invitee cannot likely fly back to make the

meeting in Washington, D.C. within an hour. The integration of Tognazzini's scheduling

features enables Hotaling's invention to take such location considerations into account,

thereby resulting in more "intelligent" scheduling decisions being made by Hotaling as

part of its scheduling features.

Furthermore, Hotaling discloses profile information for an invitee comprising

information regarding the invitee's work hours (Figs. 1-2, 10-12; col. 3, lines 10-27; col.

7, line 61 through col. 8, line 13); however, Hotaling does not explicitly teach the

inclusion of the location where the invitee works in the invitee's profile. In light of the

discussion found immediately above, the Hotaling-Tognazzini combination would

inherently include information about where the invitee works in the invitee's profile in

order to use this location information when appropriate for determining travel time

between different event locations.

[Claims 7, 8]   Claims 7 and 8 recite limitations already addressed by the rejection

of claims 2 and 3 above; therefore, the same rejection applies.

[Claims 13, 14]   Claims 13 and 14 recite limitations already addressed by the

rejection of claims 2 and 3 above; therefore, the same rejection applies.

[Claims 17, 18]   Claims 17 and 18 recite limitations already addressed by the

rejection of claims 2 and 3 above; therefore, the same rejection applies.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-

1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Receptionist whose telephone number is

(703)308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington D.C. 20231

or faxed to:

(703)305-7687   [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048   [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.

Susanna Diaz

Susanna M. Diaz
Patent Examiner
Art Unit 3623
February 13, 2003